

REMARKS

Claims 1-9 and 17 are pending in the application. Claims 11-16 are withdrawn from prosecution. Claim 10 has been cancelled and new claim 17 has been added. Reconsideration and allowance of claims 1-10 are respectfully requested.

Requirement for Restriction

The election of claims 1-10, without traverse, made in response to the telephone restriction requirement is affirmed. Accordingly, claims 11-16 are withdrawn from prosecution.

Rejection of claims 1-10 under 35 U.S.C. § 102, 103

Claims 1-6, 8 and 10 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent number 5,651,053 to Mitchell ("Mitchell"). Claims 7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of U.S. patent number 5,729,592 to Frech, et al. ("Frech"). Reconsideration and withdrawal of these rejections in light of the amendments and arguments herein are respectfully requested.

Independent claim 6

Considering first independent claim 6, this claim has been amended to incorporate limitations of claim 10 and claim 10 has been cancelled. As amended, claim 6 includes limitations nowhere shown in Mitchell. Claim 6 recites

the second computer code being further configured to produce a setup message for a call, the setup message including a calling party identification field set to the calling party directory number, a called party identification field set to a directory number associated with the called communication station and a redirecting element field set to a predetermined directory number

This limitation is nowhere shown, described or suggested by Mitchell. In rejecting claim 10, the Office Action asserts that the limitation of claim 10 is disclosed in the abstract of Mitchell.

However, the abstract contains no disclosure of producing a setup message having the recited properties. Accordingly, withdrawal of the rejection of claim 6 is respectfully requested.

Independent claim 1

Next considering independent claim 1, this claim has been amended to recite additional features absent from Mitchell. As amended, claim 1 recites “determining if call routing information for the call is marked presentation restricted or presentation unavailable,” and “if the call routing information for the call is marked presentation restricted or presentation unavailable, passing the call to service logic implementing a privacy service for handling the call.” Further, amended claim 1 recites “determining if call routing information for the call is available,” and “if call routing information for the call is not marked presentation restricted or presentation unavailable, initiating a new call to the called communication station.” Support for this amendment is found at page 8, lines 17-30.

Mitchell fails to disclose this functionality. Mitchell discloses “prompting the caller to speak through the phone into a recording machine. The recording of the caller’s name is played to the subscriber, who then has the option, still without being connected to the caller, to accept the call, refuse the call or enable the caller to leave a recorded message for later access by the subscriber.” (Abstract). Mitchell does not disclose determination of the status of the call routing information as recited by claim 1. Accordingly, Mitchell can not anticipate claim 1. Withdrawal of the rejection of claim 1 under 35 U.S.C. § 102 is respectfully requested.

Additional claim amendments

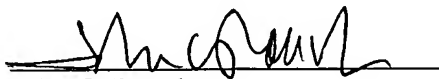
New claim 17 has been added to claim additional disclosed subject matter. Claim 17 recites “formatting a setup message,” with certain parameters recited. No new matter is added by this amendment. Support for this amendment may be found in the original application at page 4, lines 10-22.

Claim 3 has been amended slightly to recite “adding the calling directory number to the blocking list at a service control point of the telecommunications system,” and a reference to “the SCP” has been deleted. This amendment is made solely to improve the readability of the claim and not for any reason related to patentability.

Application no. 10/034,851
Amendment dated: March 1, 2004
Reply to office action dated: December 1, 2003

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John G. Rauch", is written over a horizontal line.

John G. Rauch
Registration No. 37,218
Attorney for Applicant

March 1, 2004
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200